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January 17, 2019

VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

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**Re: Drayton et al. v. The City of New York,
Docket No.: 18-cv-10138 (ALC)**

Dear Judge Carter:

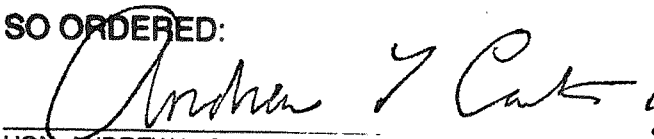
This firm represents Plaintiff and the putative collective in the above-referenced matter. We write in response to Defendants' January 14, 2019 letter requesting a pre-motion conference and for permission to file a motion to dismiss. In accordance with F.R.C.P. Rule 15(a)(1)(B), which allows Plaintiffs to file an amended complaint as of right within "21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier," Plaintiffs intend to file the First Amended Complaint annexed to this letter as "Exhibit A." During a telephonic conference with Defendant's counsel on January 10, 2019, Plaintiffs notified counsel for Defendants of their intention to file an amended Complaint containing allegations related to underpayment of overtime wages through miscalculation of proper overtime rates of pay; the annexed Amended Complaint contains these allegations, and obviates all of the alleged defects which Defendants refer to in their January 14, 2019 letter. As such, Defendants' request to file a motion to dismiss should be denied, as Defendants' arguments do not obtain to Plaintiffs' amended Complaint.

Respectfully submitted,

/s/
James Emmet Murphy, Esq.

cc: Natalie S. Marcus, Esq. (via ECF)

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT COURT

1/22/19